

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARCIA K. HAJEK, Individually
and as Personal Representative of the
Estate of Alan E. Hajek, Deceased,

Plaintiff,

vs.

KUMHO TIRE CO., INC.,
a foreign corporation,
KUMHO TIRE, U.S.A., INC.,
a California corporation,

Defendants.

Case No.: 4:08-CV-03157

PLAINTIFF'S REPLY BRIEF IN SUPPORT OF
PLAINTIFF'S SECOND MOTION TO COMPEL DISCOVERY

Plaintiff's discovery requests at issue are limited in scope and seek a very specific set of documents which relate to the design, manufacture and inspection of Kumho's replacement tire (the KL78) for the accident tire in this case, a tire so strikingly similar that recent discovery proves that Kumho used the *same internal Product Completion Report for the KL78 as the accident tire*. (Doc. # 172 p. 10-11; Doc. # 173 Exhibit 6). The existence and importance of these documents was recently confirmed during the depositions of Kumho's representatives. To avoid producing this highly relevant evidence, Kumho contends Plaintiff is not entitled to this discovery because: 1) the discovery in this case is limited to only the same tire as the accident tire or by certain sections of the Code of Federal Regulations which purportedly govern and define substantial similarity for purposes of discovery in this case (Doc. # 176 p. 2, 20, 22); 2) Plaintiff's Motion is merely a third attempt to obtain discovery "about other tires that are different" (Doc. # 176 p. 6, 2); and 3) production of this limited set of KL78 documents would